Criminal Proceeding Minute Entry (rev. 5/24 (elr))

UNITED STATES DISTRICT COURT

Eastern District of New York

UNITED STATES OF AMERICA	Presiding Judge:	Joanna Seybert, Senior U.S.D.J.
- V -	Case No(s).:	23-cr-0197-JS-AYS
George Anthony Devolder Santos	Date:	8/19/2024
	Start Time:	3:13 PM Total Time: 50 mins.

MINUTE ENTRY FOR A CRIMINAL PROCEEDING

SEALED PROCEEDING: ☐ Yes ☑ No

I. APPEARANC	ES:			
): George Anthony Devolder Santos resent □ In Custody ☑ On Bond □ Surrendere			Andrew Mancilla, Robert Fantone, Jr. nder □ CJA □
Defendant (#):		Counsel:	
□ Present □ Not Pr	resent □ In Custody □ On Bond □ Surrendere	d	☐ Retained ☐ Federal Defe	nder 🗆 CJA 🗆
Defendant (#):		Counsel:	
□ Present □ Not Pr	resent □ In Custody □ On Bond □ Surrendere	d	☐ Retained ☐ Federal Defe	nder 🗆 CJA 🗆
Defendant (#):		Counsel:	
□ Present □ Not Pr	resent □ In Custody □ On Bond □ Surrendere	d	☐ Retained ☐ Federal Defe	nder 🗆 CJA 🗆
Defendant (#)):		Counsel:	
□ Present □ Not Pr	resent □ In Custody □ On Bond □ Surrendere	<u>d</u>		nder 🗆 CJA 🗆
Defendant (#):		Counsel:	
□ Present □ Not Pr	resent □ In Custody □ On Bond □ Surrendere	d	☐ Retained ☐ Federal Defe	nder 🗆 CJA 🗆
☐ Present ☐ Not Properties ☐ Present ☐ Not Properties ☐ Present ☐ Not Properties ☐ Pretrial Services: ☐ Probation Dept.:):	d wise	Counsel: Retained	nder CJA nder CJA Russo
II. PROCEEDIN In-Person By Telephone By Video		□ Fati □ Initi □ Jury □ Jury	co Hearing (see pg. 3) fal Appearance (see pg. 2) Deliberations (see pg. 3) Selection (see pg. 3) Trial (see pg. 3)	☐ Motion Hearing (see pg. 3) ☐ Plea Hearing (see pg. 4) ☐ Sentencing/Re-Sentencing (see pg. 4) ☐ Status/Pre-Trial Conference (see pg. 2)
☐ Other Proceeding	z:			

III. SUMMARY OF THE PROCEEDINGS:

☐ Arraignment held as to the charg	e(s) outlined in the			
	ce before this Court by Defendant			-
☐ Defendant waived		·		
	ecuted by Defendant .			
	the public reading of the charging instru	ıment		
	vised of, and acknowledged, the charges		ging instrument	
	d of, and acknowledged, its obligation up			Process Protections Act
	ntered fully describing this obligation an			
	l a plea of NOT GUILTY as to all counts	-		to meet it.
	ted to the exclusion of Speedy Trial time			suant to Title 18 United States
Code, Section 3161			opui	isdant to <u>11tic 16</u> , Officed States
	consent to the exclusion of Speedy Tria	l time.		<u>-</u>
	cclusion of Speedy Trial time from		pursuant to <u>Tit</u>	le 18, United States Code,
	COMPLEX and Speedy Trial time was e	excluded pursuant to	Title 18. United S	states Code.
Section 3161(h)(7)(B)(ii).	<u></u>	r		-
	on VII (page 7) for additional details and	or rulings.		
	4 0 /	J		
☐ Curcio Hearing held as to Defend	dant			
☐ Attorney	(□ Federal Defender; □ CJ	A) was appointed to	represent the defe	endant for purposes of this hearing.
☐ The parties presented their or	ral arguments to the Court.			
☐ The defendant was informed	of the potential dangers arising from any	y conflicts of interest	t with current defe	ense counsel.
☐ The defendant acknowledged	d and waived any potential conflicts of ir	nterest and wishes to	proceed with curr	ent defense counsel.
☐ The defendant requested that	t current counsel be relieved and:			
☐ that the defendant will re	etain new counsel.			
☐ The defendant must i	retain new counsel by; or w	rithin	of this l	hearing.
☐ that the Court appoint ne				
☐ The defendant comp	leted and filed the CJA 23 Financial Affi	idavit for the Court's	s review.	
☐ The Court's decision: ☐ was	s entered on the record; will be entered	d under a separate or	der; □ was <u>RESE</u>	RVED.
	on VII (page 7) for additional details and	_		
☐ Status Conference/Pre-Trial Con	ference held as to			
☐ This was an initial appearance	ce before this Court by Defendant	·		
☐ The parties advised the Cour				
	ted to the exclusion of Speedy Trial time	e from t	o pur	suant to <u>Title 18, United States</u>
	consent to the exclusion of Speedy Tria			
☐ The Court ordered the ex Section 3161	cclusion of Speedy Trial time from	to	pursuant to <u>Tit</u>	le 18, United States Code,
	COMPLEX and Speedy Trial time was e	excluded pursuant to	Title 18, United S	tates Code,
Section 3161(h)(7)(B)(ii).				
☐ The Court deemed this case <u>'</u>				
	ing pre-trial submission schedule:			
☐ All <u>3500 material</u> and		due by:		
	and all supporting papers:	due by:		
	tions in Limine and all supporting papers		·	
	is in Limine and all supporting papers:	due by:	·	
_	questions and case summary:	due by:	·	
☐ Proposed <u>exhibit and</u>		due by:	·	
☐ Proposed <u>Jury Charg</u>		due by:	·	
	OT grant any extensions of the deadlines			
	ted to submit courtesy copies of their sub			t's Individual Rules. <u>See</u> Rule IV.
	d to file a proposed pre-trial submission s		e	
	parate order outlining the pre-trial subm			
☐ See Section VI and/or Section	on VII (page 7) for additional details and	or rulings.		

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The parties presented their oral argaments to the Court Wilness(es) were called for the I (inverrement, defendant(s), Esthibits were entered into evidence. The following briefing schedule was set:	□]	Evidentiary Hearing/M ☐ Hearing held regar	otion Hearing/Fatico Hearing	g held.	
Witness(es) were called for the: □ Government; □ defendant(e). Exhibits were entered into evidence. The following briefing schedule was set: shall serve the motion and all supporting papers: due by: shall serve the motion and all supporting papers: due by: shall serve the epiposition to the motion and all supporting papers: due by: shall serve the epiposition to the eross metion and all supporting papers: due by: shall serve the epiposition to the eross metion and all supporting papers: due by: shall serve the epiposition to the eross metion and all supporting papers: due by: shall serve the epiposition to the eross metion and all supporting papers: due by: shall serve the epiposition to the eross metion and all supporting papers: due by: shall serve the epiposition to the eross metion and all supporting papers: due by: shall serve the epiposition to the eross metion and all supporting papers: due by: shall serve the epiposition to the eross metion and all supporting papers: due by: shall serve the epiposition to the eross metion and all supporting papers: due by: shall serve the epiposition to the eross metion and all supporting papers: due by: shall serve the epiposition to the eross the epiposition papers in accordance with the Court's Individual Rules. See Rule IV. The Court was determined to the ordering schedule. The court's decision: Barrier and the papers of the erost of the erost of the papers and the erost of the				- Court	
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shall serve the gnosition to the motion and all supporting papers: due by:					
shall serve the <u>opposition to the motion</u> and all supporting papers: due by: shall serve the <u>reply</u> and all supporting papers: due by: due by: shall serve the <u>reply</u> and all supporting papers: due by: due by: shall serve the <u>reply</u> and all supporting papers: due by: due by: shall serve the <u>reply</u> and all supporting papers: due by: due by:				1 supporting papers	due by:
shall serve the cross-motion and all supporting papers: due by:					
shall serve the reply and all supporting papers:		<u> </u>	shall serve the cross motion	and all supporting papers:	due by:
shall serve the epply to the cross motion and all supporting papers: due by: The Court WILL NOT grant any extensions of the deadlines set forth above. The parties are directed to submit courtesy copies of their motion papers in accordance with the Court's Individual Rules. See Rule IV. The parties were directed to is flear proposed for firing schedule on or before The Court will enter a separate order outlining the briefing schedule. The Court made the following ruling(s): GRANTED as to: GRANTED as to: GRANTED as to: Decision RESERVED as to: The Court's decision: "was entered on the record; will be entered under a separate order. See Section VI and/or Section VII (page 7) for additional details and/or rulings. Jury Selection (Voir Dire) held. The prospective jurors were sworn and given preliminary instructions by the Court. The prospective jurors were sworn and given preliminary instructions by the Court. The prospective jurors were asked questions touching upon their qualifications to serve as jurors. A jury of with alternates, were selected and are satisfactory to all parties. The selected jurors were sworn as trial jurors. See Section VI and/or Section VII (page 7) for additional details and/or rulings. Jury Trial held. A jury of with alternates, were previously selected by and are satisfactory to all parties. The selected jurors were sworn as trial jurors. The jurors were given preliminary instructions by the Court. Opening statements were heard from the: Government; Defense Counsel. Witness(es) were called for the: Government; Defense Counsel. Behibity Swee entered it is case. The Government rested its case. The Court instructed the jury to continue their deliberations pursuant to Allen v. United States (Allen Charge). The Court instructed the jury to continue their deliberations pursuant					due by:
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Jury Trial held.		-	_	additional details and/or rulings.	
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				as to Defendant	
		-		a Court Evhibit	

Jury Deliberations continued on next page.

Jury Deliberations continued from previous page.	
☐ The Court charged the jury on the forfeiture allegation count(s) and instructed them to continue their deliberations.	
☐ Jury Notes were received and marked as Court Exhibits.	
☐ The jury rendered their verdict regarding the forfeiture allegation count(s).	
☐ The jurors were polled as to their verdict.	
☐ The Special Verdict Sheet was received and marked as a Court Exhibit.	
☐ The jurors, including alternates, were excused with the thanks of the Court.	
☐ The Conviction Notification Form was executed and sent to the U.S. Probation Department.	
☐ See Section VI and/or Section VII (page 7) for additional details and/or rulings.	
Plea Hearing held as to count(s) 2ss and 6ss of the twenty three -count Second Superseding Indictment (S-2) filed on 5/28/2024.	
The defendant was advised of, and acknowledged, the constitutional rights that will be waived when entering a plea of guilty.	
The defendant withdrew previously entered not guilty plea and entered a plea of <u>GUILTY</u> to the above referenced count(s).	
Court found that the there is a factual basis for the guilty plea and <u>ACCEPTED</u> the defendant's plea of guilty.	
☐ An Order of Forfeiture was executed.	
☐ The Court ordered the U.S. Probation Department to prepare and submit an <u>EXPEDITED</u> Presentence Investigation Report.	
☐ The parties consented to hold the preparation of the Presentence Investigation Report in <u>ABEYANCE</u> .	
The Conviction Notification Form was executed and sent to the U.S. Probation Department.	
☐ The parties <u>WAIVED</u> the preparation of the Presentence Investigation Report.	
See Section VI and/or Section VII (page 7) for additional details and/or rulings.	
☐ Sentencing/Re-Sentencing held as to count(s) of thecount	_
☐ The parties advised the Court that there are no objections or corrections to the Presentence Investigation Report.	
□ Objections/Corrections to the Presentence Investigation Report were outlined on the record by: □ the Government; □ Defense Counsel.	
☐ The Court adopted the Presentence Investigation Report without change.	
☐ Changes to the Presentence Investigation Report were outlined on the record by the Court.	
□ Oral presentations to the Court were made by: □ Defense Counsel; □ the defendant; □ the Government; □ the victim(s); □	
☐ The defendant was sentenced to <u>IMPRISONMENT</u> for a total term of	
☐ Upon release, the defendant shall be on <u>SUPERVISED RELEASE</u> for a total term of	-
☐ The defendant shall comply with the mandatory and standard conditions of supervision.	
☐ One or more of the mandatory/standard conditions of supervision were not ordered or were amended by the Court.	
☐ The defendant shall comply with the special conditions of supervision ordered by the Court.	
☐ The Court did not impose a term of Supervised Release.	
☐ The defendant was sentenced to <u>PROBATION</u> for a total term of	
☐ The defendant shall comply with the mandatory and standard conditions of supervision.	
☐ One or more of the mandatory/standard conditions of supervision were not ordered or were amended by the Court.	
☐ The defendant shall comply with the special conditions of supervision ordered by the Court.	
☐ The defendant must pay the following criminal monetary penalties:	
□ <u>RESTITUTION</u> in the amount of: \$; (□ An Order of Restitution was executed.)	
\Box A FINE in the amount of: \$.	
☐ A <u>SPECIAL ASSESSMENT</u> fine in the amount of: \$	
□ An <u>AVAA ASSESSMENT</u> fine in the amount of: \$	
\Box A JVTA ASSESSMENT fine in the amount of: \$.	
☐ The interest requirement on any of the criminal monetary penalties:	
\square was ordered on the amounts of more than \$2,500.00.	
□ was modified by the Court.	
□ was waived/not ordered/not applicable.	
□ Restitution: □ was not ordered or not applicable; □ was paid in full prior to sentencing.	
☐ A fine and/or other assessment: ☐ was not ordered or not applicable; ☐ was paid in full prior to sentencing.	
☐ The determination of Restitution and/or a fine was deferred pending further proceedings or by further motion to the Court.	
☐ All other conditions shall remain in effect as previously ordered and outlined in the judgment dated	
☐ The Order of Forfeiture dated was adopted as the Final Order of Forfeiture and will be included as part of the judgment.	
☐ A Final Order of Forfeiture was executed and will be included as part of the judgment.	
☐ The defendant's right to appeal the Court's sentence:	
was waived (pursuant to the Plea/Cooperation Agreement, or as stated on the record).	
was preserved. The defendant has the right to file an appeal within fourteen (14) days of the date that the judgment is entered, not filed .	
☐ All open counts in the charging instrument(s) were dismissed on the motion of the United States. ☐ See Section VI and/or Section VII (nage 7) for additional details and/or rulings.	
Liber Section VI and/or Section VII indee / Lior additional details and/or fillings	

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IV. RULINGS MADE REGARDING DEFENDANT RELEASE STATUS:

☐ Bond Hearing/Detention Hearing held.
☐ Defendant did not present a bond application to the Court.
☐ An Order of Detention was executed as to Defendant
☐ An Order Scheduling a Detention Hearing was executed as to Defendant
☐ The bond application/modification was <u>GRANTED</u> as to Defendant
☐ An Order Setting Conditions of Release and Bond was executed as to Defendant
☐ The conditions of release were modified as to Defendant, as stated on the record.
☐ An amended Order Setting Conditions of Release and Bond was executed as to Defendant
☐ The bond application/modification was <u>DENIED</u> as to Defendant
☐ An Order of Detention was executed as to Defendant
☐ The Government moved for immediate detention of Defendant
\Box The motion was: \Box <u>GRANTED</u> ; \Box <u>DENIED</u> ; \Box <u>GRANTED</u> , in part.
☐ An Arrest Warrant was executed as to Defendant
☐ An Order of Detention was executed as to Defendant
☐ The conditions of release were modified as to Defendant, as stated on the record.
☐ An amended Order Setting Conditions of Release and Bond was executed as to Defendant
☐ The decision regarding the bond or detention application was <u>RESERVED</u> .
☐ An Order Scheduling a Detention Hearing was executed as to Defendant
☐ A temporary Order Setting Conditions of Release and Bond was executed as to Defendant
☐ See Section VI and/or Section VII (page 7) for additional details and/or rulings.
For a defendant currently IN-CUSTODY:
☐ Defendant remain(s) in custody.
☐ The following orders were executed and shall be forwarded to the U.S. Marshals Service and/or the Federal Bureau of Prisons:
☐ A Medical Evaluation Order as to Defendant
☐ A Competency Order as to Defendant
☐ A Force Order as to Defendant
☐ The defendant, being sentenced to <u>TIME SERVED</u> (time in-custody prior to sentencing/re-sentencing), shall be <u>RELEASED</u> , <u>FORTHWITH</u> .
☐ A Time Served Order was executed and submitted to the U.S. Marshals Service.
☐ The defendant will be <u>under supervision of the U.S. Probation Department</u> until the completion of the ordered term of <u>Supervised Release</u> .
☐ The defendant will not serve a term of Supervised Release.
For a defendant currently AT LIBERTY:
☐ Defendant1 remain(s) on bond.
☐ The defendant, being sentenced to a <u>TERM OF IMPRISONMENT</u> , shall be <u>IMMEDIATELY REMANDED</u> to the custody of the U.S. Marshals Service and/or the Federal Bureau of Prisons.
Marshals Service and/or the rederal Bureau of Prisons.
☐ The defendant, being sentenced to a <u>TERM OF IMPRISONMENT</u> , shall surrender for the service of the sentence before 2:00 PM on
the institution designated by the Federal Bureau of Prisons. The defendant will <u>REMAIN AT LIBERTY</u> and <u>under supervision of the Pretria</u>
Services Department until the ordered surrender date.
☐ The U.S. Marshals Voluntary Surrender form was executed.
☐ Any motion to extend the surrender date must be made at least a thirty (30) days prior to the ordered surrender date.
☐ The defendant was advised that there will be no extensions of the surrender date.
☐ The defendant, being sentenced to a <u>TERM OF PROBATION</u> , will <u>REMAIN AT LIBERTY</u> and <u>under supervision of the U.S. Probation</u>
Department until the completion of the ordered term of <u>Probation</u> .
Department with the completion of the ordered term of 110000011.
☐ The defendant, being sentenced to TIME SERVED (time in-custody prior to being released), shall REMAIN AT LIBERTY and under
supervision of the U.S. Probation Department until the completion of the ordered term of Supervised Release.
☐ The defendant, being sentenced to <u>TIME SERVED</u> (time in-custody prior to being released as well as time under supervision), shall be <u>released</u> from all conditions of supervision, forthwith.
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V. FURTHER PROCEED	DINGS SET:				
☐ No further proceedings hav	ve been set at this tim	ne.			
☐ Bond Hearing:	For Defendant	set for	at	before	;
☐ Curcio Hearing:	For Defendant	set for	at	before	;
☐ Detention Hearing:	For Defendant	set for	at	before	;
☐ Evidentiary Hearing:	For Defendant	set for	at	before	;
☐ Fatico Hearing:	For Defendant	set for	at	before	;
☐ Jury Selection:	For Defendant	set for	at	before	
☐ Jury Trial:	For Defendant	set for	at	before	
☐ Motion Hearing:	For Defendant	set for	at	before	;
☐ Plea Hearing:	For Defendant	set for	at	before	;
☐ Pre-Trial Conference:	For Defendant	set for	at	before	;
☐ Status Conference:	For Defendant	set for	at	before	;
chooses to proceed without lieu of their memorandum PARTIES AR without prior, writte above, it may, sua s All sentencing memora The Government waive Defense counsel waive The Court ordered the procumber at the designated time	ent filing a sentencing at filing a sentencing at EON NOTICE: 1) of the content of the content of the filing of a sent at the ceeding(s) above to be seeding(s) above to be seeding(s) above to be	Once sentencind 2) If the Concing to a date ed. Further setencing memorencing memore held via the ess code 7231	n, a letter to the ng memoranda ourt does not r e and time of it ntencing subm randum and/or randum and/or e Court's telece 1185. o, via ZoomGo	reserved the right to make an oral preserved the right to make an oral preserved the right to make an oral pronferencing system. Parties are directly. The parties on the case will be sen	d by the due date set forth above, in sions will not be accepted as by the due date set forth at prior, written, Court approval. bresentation at sentencing. resentation at sentencing.
Deputy with instructions on h	-	_	s the schedule	date approaches.	
☐ Further instructions regard	uing the proceeding(.	s) set:			

VI. OTHER RULINGS MADE DURING THE PROCEEDINGS:
\Box The record of this proceeding was deemed <u>SEALED</u> . Transcripts of this proceeding can be made available to the Court, the defendant(s), defense counsel, and the Government <u>ONLY</u> . Any other non-party must file a written request to the Court for permission to receive a copy of the transcripts.
■ The Court made the following rulings:
- The jury selection, currently set for 9/9/2024, and any remaining deadlines for pre-trial submissions are hereby canceled.

VII. ADDITIONAL RULINGS:

☐ The Court makes the following additional rulings (*not addressed during the proceedings*):